

STATE OF ILLINOIS)
)
 COUNTY OF COOK)

SS

STATE OF ILLINOIS
 ILLINOIS COMMERCE COMMISSION

THE DEPARTMENT OF TRANSPORTATION
 OF THE STATE OF ILLINOIS, for an on behalf
 of the People of the State of Illinois,

- Petitioner

vs.

NATURAL GAS PIPELINE COMPANY OF
 AMERICA, a Delaware corporation, f/k/a
 CHICAGO DISTRICT PIPELINE COMPANY, an
 Illinois corporation; KINDER MORGAN, INC. a
 Delaware Corporation; and

UNKNOWN OWNERS

- Respondents

Petition for approval of the taking or damaging
 of certain properties owned by a public utility in
 Cook County, Illinois by exercising the right of
 eminent domain

STIPULATION

On November 25, 2003, the Department of Transportation of the State of Illinois ("Petitioner") filed with the Illinois Commerce Commission ("Commission") a verified petition seeking approval to exercise its power of eminent domain to acquire permanent easements for highway purposes to certain land situated in Cook County, Illinois owned by NATURAL GAS PIPELINE COMPANY OF AMERICA, a Delaware corporation, f/k/a CHICAGO DISTRICT PIPELINE COMPANY, an Illinois corporation ("Respondent").

Petitioner represents that it is bringing this action pursuant to the provisions of Section 7-102 of the Code of Civil Procedure, Illinois Eminent Domain Act, 735 ILCS 5/7-102, 2002,

OFFICIAL FILE
 ILLINOIS COMMERCE COMMISSION

ORIGINAL

CHIEF CLERK'S OFFICE

2004 MAR 23 P 2:23

ILLINOIS
 COMMERCE COMMISSION

Docket No. 03-0734

Parcel No. OED0256PE-A

Parcel No. OED0256PE-B

Parcel No. OED0256PE-C

R-90-010-01

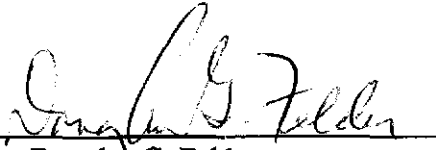
whereby it seeks approval to acquire title to Respondent's real property for the widening of F.A.I. 80 (I-80/94) in Cook County over property legally described on Exhibit A attached hereto.


For purposes limited solely to this proceeding, and for no other purposes or uses, directly or indirectly, the parties stipulate and agree as follows:

- (1) Respondent is not a public utility subject to jurisdiction of the Illinois Commerce Commission,
- (2) no approval is required under Section 5/7-102 of the Illinois Eminent Domain Act (or any similar act or statutory requirement) to take property owned by Respondent for the road widening project described in the Petition filed in this proceeding, and the failure to obtain such approval prior to initiating an eminent domain action is waived as a defense to any subsequently filed action to acquire the property legally described in Exhibit A, and
- (3) the parties consent to the immediate entry of an order by the Commission dismissing the Petition filed herein for lack of jurisdiction.

THE DEPARTMENT OF
TRANSPORTATION OF THE STATE OF
ILLINOIS

NATURAL GAS PIPELINE COMPANY
OF AMERICA, a Delaware corporation
f/k/a CHICAGO DISTRICT PIPELINE
COMPANY, an Illinois corporation, its
successors and/or assigns, and KINDER
MORGAN, INC., a Delaware Corporation

By: 
Douglas G. Felder
Special Assistant Attorney General

By: 
Philip Telles
Its Attorney

Douglas G. Felder
Douglas G. Felder, P.C.
20 South Clark Street
Suite 2000
Chicago, IL 60603
312/634-3509